

David E. Hardin (0066415)
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KATHY GORDON-JACKSON, : CASE NO. : C-1-00-813
Plaintiff, : Judge Dlott
: Magistrate Judge Hogan
vs. :
MOTION FOR SANCTIONS
CITY OF CINCINNATI, et. al. :
Defendants. :

* * * * *

Now comes the Plaintiff, by and through counsel, and hereby requests this Court for an Order imposing monetary sanctions against Defendant, City of Cincinnati for its continuing course of refusal to comply with and satisfy the terms of the October 9, 2002 Settlement Agreement, and the extensive additional time and expense incurred by Plaintiff in pursuit of the satisfaction of the terms of the now two-year old Agreement.

The parties executed the Settlement Agreement on October 9, 2002. Defendant partially performed on the Agreement by transferring Plaintiff to a lateral position. However, to date, Plaintiff has still not received the monetary portion of the agreement.

During the course of the last twenty-six (26) months, Plaintiff has incurred additional expense in the form of attorney fees for time and services of the undersigned counsel directly and proximately resulting from the Defendant's continuing course of ignorance and malaise toward honoring the monetary terms of the Agreement. Further, Plaintiff has lost income as a result of the Court hearings to facilitate the terms of the Agreement.

An affidavit of expenses incurred as a result of Defendant's refusal to pay is attached hereto as "Exhibit 1".

Based on the above, and in conjunction with the previously filed November 17, 2004 Motion to Enforce, and in the interest of equity and justice, Plaintiff respectfully requests an order from this Court imposing sanctions against Defendant City and awarding attorney fees to Defendant in the amount of \$3,876.40 for her expenses in pursuing collection of the October 9, 2002 settlement. Plaintiff further requests a hearing on this and the aforementioned Motion to Enforce.

Respectfully Submitted,

/s/ David E. Hardin

David E. Hardin (0066415)
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NOTICE OF HEARING

A Hearing on the above Motion and Motion to enforce Settlement has been scheduled for the _____ day of _____, 200_____ before the honorable Magistrate Judge Timothy Hogan at the United States District Court, Potter Stewart Federal Courthouse, Cincinnati, Ohio.

/s/ David E. Hardin

David E. Hardin (0066415)
 Attorney for Plaintiff Kathy Gordon-Jackson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Sanctions has been served upon Thomas J. Harris, III, Assistant City Solicitor, Room 214, City Hall, 801 Plum Street, Cincinnati, Ohio 45202, by the Court's electronic mail program, this 15th day of December, 2004.

/s/ David E. Hardin

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